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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)	
)	
Petition to Amend Part 68 of the)	CC Docket No. 93-268
Commission's Rules to Include)	
Terminal Equipment Connected to)	RM-7815
Basic Rate Access Service Provided)	
Via Integrated Services Digital)	
Network Access Technology)	
)	
and)	
)	
In the Matter of)	
)	
Petition to Amend Part 68 of the)	RM-6147
Commission's Rules to Include)	
Terminal Equipment Connected to)	
Public Switched Digital Service)	
)	
and)	
)	
In the Matter of)	
)	
Correction of Part 68 Typographical)	
Errors, Clarifications and a)	
Proposal for Part 68 Registration)	
Revocation Procedures)	

**COMMENTS OF THE INDEPENDENT DATA
COMMUNICATIONS MANUFACTURERS ASSOCIATION, INC.**

The Independent Data Communications Manufacturers Association, Inc.
("IDCMA"), by its attorneys, hereby responds to the Commission's Notice of Proposed
Rulemaking released on November 22, 1993¹ and later public notice released January

¹ Petition to Amend Part 68 of the Commission's Rules to Include Terminal Equipment Connected to Basic Rate Access Service Provided Via Integrated Services Digital Network Access Technology, CC Docket No. 93-268, FCC 93-484 (released November 22, 1993) [hereinafter cited as "Notice"].

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1994.² The rulemaking was instituted in response to petitions filed by Southwestern Bell Telephone Company ("Southwestern Bell") and the Ameritech Operating Companies ("Ameritech") and supported by IDCMA and numerous other parties. The petitions seek to extend the Part 68 registration program to equipment connected to Integrated Services Digital Network ("ISDN") Basic Rate Access ("BRA") and Primary Rate Access ("PRA") services, as well as to equipment connected to Public Switched Digital Service ("PSDS"). With minor qualifications noted below, IDCMA supports the proposed rules and urges the Commission to move expeditiously to extend the Part 68 registration program.

I. INTRODUCTION

IDCMA is a trade association comprised of major manufacturers of equipment used to effectuate and to manage data communications. Among the devices marketed by IDCMA member companies are modems, digital data sets, multiplexers, network management systems and many other related products, including some that connect with ISDN and PSDS services. For over twenty years, IDCMA has participated actively in virtually every Commission proceeding involving customer-premises equipment ("CPE"). In these proceedings, IDCMA has consistently advocated policies to encourage the development of a competitive marketplace for CPE.

² Petition to Amend Part 68 of the Commission's Rules to Include Terminal Equipment Connected to Basic Rate Access Service Provided Via Integrated Services Digital Network Access Technology, CC Docket No. 93-268, FCC 94-46 (released January 12, 1994).

IDCMA has been significantly involved in proceedings concerning the Commission's Part 68 rules and regulations. When the Commission first established the registration program,³ the technical specifications were based in large measure on a record developed by IDCMA. In subsequent years, IDCMA has continued to play an active role in consideration of proposals to extend the registration program to additional services. Of particular relevance to the present proceeding are earlier FCC deliberations relating to Network Channel Terminating Equipment ("NCTE"), ISDN, and related Computer III proceedings.⁴

IDCMA is proud that the policies that it advocated have expanded competition for CPE, lowered prices for products, expanded the variety of equipment available, and increased the number and type of available features, to the benefit of consumers, industry, and the economy. Carriers too have benefitted, through stimulation of demand for transmission services. The Part 68 registration program contributed greatly to these developments.

The Commission should also be proud. It was the Commission that adopted the unbundling policy for CPE. It is the Commission which has steadfastly

³ See Proposals for New or Revised Classes of Interstate and Foreign Message Toll Telephone Service (MTS) and Wide Area Telephone Service (WATS), First Report and Order (Docket No. 19528), 56 F.C.C.2d 593 (1975) (subsequent history omitted).

⁴ Petitions Seeking Amendments of Part 68, 94 F.C.C.2d 5, 22, 23 n.27 (1983), reconsideration denied, FCC 84-145 (April 27, 1984) ("terminating" equipment at customer's premises must be unbundled and provided on a competitive basis; principle applies to all present and future digital services, circuits, and facilities); Integrated Services Digital Networks, 98 F.C.C.2d 249, 261 (1984) (applies to ISDN); Amendment to Sections 64.702 of the Commission's Rules and Regulations (Third Computer Inquiry) (Phase II), 2 FCC Rcd 3072 (1987), on reconsideration, 3 FCC Rcd 1150, 1167-68 (1988) (principle reaffirmed with one very minor exception; stringent new waiver standard established) (subsequent history omitted).

defended this policy against efforts by certain parties to weaken or undermine it. Today, as a result of Part 68 and the unbundling rule, robust CPE competition stands as the Commission's greatest single achievement in common carrier policymaking.

The policy course has been set. Energies should now be directed toward implementation. This proceeding works toward that goal.

II. DISCUSSION

IDCMA strongly supports the extension of Part 68 to ISDN and PSDS. IDCMA is particularly pleased that the underlying rulemaking petitions and related pleadings reflected such constructive cooperation between several Bell companies, independent CPE suppliers, and others.

ISDN BRA and PRA Services. Part 68 unquestionably should be extended to equipment for connection to ISDN BRA and PRA services. This will enable users of these services to enjoy the myriad benefits already available in the case of other equipment which is already covered by the registration program. The extension of Part 68 to ISDN services will establish a single set of minimum technical interconnection requirements that are applicable throughout the country. These uniform specifications will encourage development of equipment, expand output, and lower prices.

Regarding the plug-jack connectors for ISDN and PSDS service (Notice at ¶ 6), IDCMA believes that the Commission should select a standard connector. The lack of a standard connector (or the selection by individual telephone companies of different connectors) would place an unnecessary burden on equipment vendors and

customers. IDCMA finds that the standard connectors proposed by the Exchange Carriers Standards Association (Notice at ¶ 6 n.7) appear to be suitable for prescription in the Part 68 rules.

Pulse template (or equivalent) requirements for ISDN BRA appear to have been omitted from the revision of Section 68.308(h). This appears to be an editorial oversight which can be easily remedied.

The title of Section 68.308(h)(2) should be amended to incorporate a reference to ISDN PRA service. All subparagraphs of (h)(2) apply equally to 1.544 Mbps and to ISDN PRA services, so the title should be amended to conform to this change.

PSDS Service. As with ISDN service, IDCMA agrees that Part 68 equipment registration should be extended to include equipment for connection to PSDS service. The reasoning is the same as with ISDN service: establishment of rules to permit equipment competition on the basis of minimal nationwide technical specifications will lead to new and better products at lower cost.

Proposed Section 68.314(a)(3) requires a two-second delay after a PSDS call is answered before the transmission of data may begin. IDCMA is unsure whether this requirement -- which is not proposed in the case of ISDN -- is really needed in the case of PSDS. The two-second delay was originally developed to prevent certain types of toll fraud, but it is not clear that the type of equipment that was susceptible to this problem is still used in central offices providing digital switched service.⁵ The carriers

⁵ Also, advances in deployment of nationwide Signalling System #2 and other technologies may have increased the ability of the system to register, and bill for, calls of brief duration.

will need to address these matters. If the required two-second delay for PSDS services cannot be justified on a factual basis, the regulations should not incorporate this limitation on the subscribers' use of these services.⁶

Section 68.308(h)(3)(ii) sets requirements for PSDS Type II and Type III scramblers. IDCMA is unsure of the network harm rationale for the inclusion of scrambler requirements. IDCMA seeks a clarification of the need for these requirements.

Section 68.314(b) sets limits on the power that can be delivered into a loop simulator. The proposed regulations would apply these requirements to PSDS Types I, II and III. IDCMA believes that only PSDS Type II has traditional on-hook characteristics that would be relevant to power limits for loop simulators. Thus, these power limits may not be relevant for PSDS Types I and III. IDCMA seeks an explanation for the inclusion of Types I and III.

Revocation of Registrations. The regulations proposed in the Notice provide a mechanism for the revocation of equipment registrations on the basis of misrepresentation, harm to the network, willful noncompliance with Part 68 registration terms, and violations of the Communications Act or the Commission's rules, regulations or orders. (Notice at ¶ 10; Appendix A, proposed § 68.211). IDCMA supports the

⁶ If the prohibition is retained, the Commission should also clarify whether the customer can be charged for these two seconds. In many types of data communications, such as automatic teller machines and credit card verifications, the actual data transmission takes only a few seconds. The imposition of an unnecessary two-second delay would increase the cost of these communications if the customer must pay for the two seconds. Even if the time is not charged for, however, unneeded delays in users' transmissions will hinder the marketplace success of PSDS service and equipment, to the material disadvantage of users, carriers, and equipment vendors.

Commission's efforts to police the Part 68 registration process with forfeiture penalties. Revocation of Part 68 registration should be among the tools available when entities misrepresent themselves, harm the network, or do not comply with Part 68 requirements.

IDCMA is less enthusiastic about the proposal to allow revocations for any violation of the Communications Act or the Commission's rules, regulations, or orders. For instance, an equipment manufacturer that is the subsidiary of a corporation that also owns broadcast stations could have equipment registrations revoked because of violations at the broadcast stations. Canceling equipment registrations for conduct that is completely unrelated to equipment seems illogical.

The Commission should have the tools needed to ensure compliance with its rules, regulations, and orders. Forfeiture of Part 68 registrations should be among the tools available, but only in cases directly related to violations of the equipment registration rules.

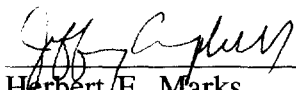
Editorial Amendments. The Commission has used this rulemaking to take the opportunity to correct a variety of typographical and other errors in the regulations. (Notice at ¶ 13). IDCMA applauds the Commission's attention to these details and supports the effort to ensure the accuracy of Part 68 regulations.

III. CONCLUSION

For the reasons noted above, IDCMA strongly supports the proposed rules in general and urges the Commission after addressing the issues discussed herein to implement the rules forthwith. The extension of the registration program to equipment connected to ISDN and PSDS services will encourage equipment competition and stimulate service demand in these markets, providing benefits to carriers, manufacturers, and -- most important -- consumers.

Respectfully submitted,

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